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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,742	05/22/2001	Anastacia Rosario Aricayos Barangan	AA473	8754

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THE PROCTER & GAMBLE COMPANY
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EXAMINER

ZURITA, JAMES H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,742

Applicant(s)

BARANGAN ET AL

Examiner

James H Zurita

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

On 25 June 2004, a First Office Action rejected claims 1-37.

On 4 October 2004, applicant amended claims 1 and 23.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al. (US 6,550,672) in view of Herz et al. (US 2001/0014868).

As per independent claim 1, Tracy discloses recommending products to consumers over networks. For example, Tracy discloses

(a) collecting personalized consumer data pertaining to a consumer's needs and habits. See, for example, references to customer previous purchases such as charcoal, at least Col. 14, lines 10-35.

(b) sending the data to a server system. See, for example, references to data collected in databases at a server, at least Col. 13, lines 45-64.

(a) receiving the data from the client system. See, for example, at least references to presenting data to a user at a client, Col. 14, lines 10-35.

(b) based on the consumer's personalized data determining a recommendation for one or more products. See, for example, references to customer prior purchases history, at least Col. 14, lines 1-43.

Art Unit: 3625

(c) sending the recommendation to a client system. See, for example, at least items 220, 130, 100, and 230 in Fig. 6 and related text.

As per independent claim 23, Tracy discloses recommending products for purchase or use, including:

(a) an interactive user interface. See, for example, at least Fig. 2 and 4 for various interactive user interfaces.

(b) collecting personalized consumer data pertaining to a consumer's needs and habits;

(b) comparing the personalized data to a data repository, wherein the data repository comprises data selected from the group consisting of products. See, for example, at least Col. 13, lines 19-44.

(c) preparing a recommendation. See, for example at least references to recommending daily amounts, alternative products, etc., at least Col. 10, lines 35-39.

As per independent claim 26, Tracy discloses an apparatus for providing a recommendation comprising:

(a) a data repository comprising product data. See, for example, at least references to a database, (60).

(b) an input device for receiving user input from a consumer. See, for example, at least Fig. 2 and related text.

(c) a computer assembly connected to the data repository wherein the computer assembly comprises a CPU. See, for example, at least Fig. 3 and related text.

Art Unit: 3625

Tracy discloses different types of products, including beauty products, for example, Col. 14, lines 36-43.

As per claims 1-37, Tracy **does not** specifically disclose applicant's limitations concerning fabric care products. Tracy does not specifically disclose selecting products such as laundry detergents, fabric conditioning compositions, wrinkle removal compositions, bleaches, bleach activators, dye fixatives, stain removers, anti-static compositions, dryer added sheet products and mixtures thereof.

Tracy does not specifically use applicant's latest amended language to claims 1 and 23, i.e., "...pertaining to a consumer's fabric care needs and habits..." Herz discusses use of consumer demographics and shopping history. See, for example, at least paragraph 2. Herz also discusses storing and analyzing a customer's habits (for example, paragraphs 246, 298) and needs (information such as what they have purchased in the past, according to their needs).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tracy and Herz to disclose storing and using information pertaining to a consumer's fabric care needs and habits.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Tracy and Herz to disclose storing and using information pertaining to a consumer's fabric care needs and habits for the obvious reason that it is important to personalize a consumer's shopping experience and target them with offers that may maximize profits for a seller.

Art Unit: 3625

Tracy **does not** specifically mention fabric care products that have at least one common characteristic, wherein the common characteristic is selected from the group consisting of perfume, product color, package color, and mixtures thereof.

Herz discloses a client-server system that includes fabric care products such as detergents. See, for example, at least paragraph 156.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tracy and Herz to disclose selecting products such as laundry detergents, fabric conditioning compositions, wrinkle removal compositions, bleaches, bleach activators, dye fixatives, stain removers, anti-static compositions, dryer added sheet products and mixtures thereof, and to disclose fabric care products that have at least one common characteristic, wherein the common characteristic is selected from the group consisting of perfume, product color, package color, and mixtures thereof.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Tracy and Herz to disclose selecting products such as laundry detergents, fabric conditioning compositions, wrinkle removal compositions, bleaches, bleach activators, dye fixatives, stain removers, anti-static compositions, dryer added sheet products and mixtures thereof, and to disclose fabric care products that have at least one common characteristic, wherein the common characteristic is selected from the group consisting of perfume, product color, package color, and mixtures thereof for the obvious

Art Unit: 3625

reason that by offering a customer customized products which a shopper would be most likely to buy, a vendor may maximize his profits.

Response to Arguments

Applicant's arguments filed 4 October 2004 have been fully considered but they are not persuasive.

Applicant argues that there is no motivation toward customizing purchase of fabric care products and that Herz appears to be concerned only with beer. Applicant also argues that he sees no motivation to combine Tracy and Herz. In response to these arguments, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Applicant misrepresents Herz as stating that "...shoppers ALL agree on the choice of laundry detergent...." This is incorrect. The Examiner respectfully notes that while Herz mentions beer, Herz does not limit his invention to beer drinkers, but also suggests applications to other types of products, including fabric care products such as detergents.

Examiner cites particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the

Art Unit: 3625

applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

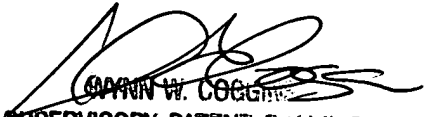
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JE
James Zurita
Patent Examiner
Art Unit 3625
2 December 2004


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